

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MAITIEU BURKS,

Plaintiff,

**RESPONSE TO
PLAINTIFF'S REQUESTS
FOR ADMISSION
FRCP 36**

-against-

16-CV-0759

FJS/DEP

CORRECTION OFFICER CHAD STICKNEY;
CORRECTION OFFICER NOLAN; CORRECTION
OFFICER SMITH; CORRECTION OFFICER EDWARD
L. PEPPER; SERGEANT JOHN MARK CROSS;
CORRECTION OFFICER DAVID J. CHAMBERLAIN;
CORRECTION OFFICER JOSHUA R. WOOD; JOHN
DOE "E" BLOCK SERGEANT; SUPINTENDENT
STEVEN RACETTE, SUPERINTENDENT MICHAEL
KIRKPATRICK, JOHN DOE SUPERVISOR IN CHARGE
OF SECURITY #1, JOHN DOE CORRECTION
OFFICERS #1-25,

Defendants.

Defendant Donald Smith, Jr., by his attorney, Eric T. Schneiderman, Attorney General of the State of New York, Denise P. Buckley, Assistant Attorney General, of counsel, pursuant to Rule 36 of the Federal Rules of Civil Procedure, hereby responds to Plaintiff Maitieu Burks' Requests for Admissions, dated July 5, 2017, as follows:

1. On August 18, 2015, you were employed as a correction officer by the New York State Department of Corrections and Community Supervision.
Response: Admit.
2. On August 18, 2015, you were assigned to Clinton Correctional Facility.
Response: Admit.
3. You worked in your capacity as a correction officer at Clinton Correctional Facility on August 18, 2015.
Response: Admit.

4. On August 18, 2015, you worked in "E" block at Clinton Correctional Facility.
Response: Admit.

5. On August 18, 2015, you had a verbal interaction with an inmate named Mattieu Burks.
Response: Object to the extent that I am not sure what is meant by the phrase "verbal interaction". Without waiving that objection, admit that I do not recall speaking with an inmate named Mattieu Burks on August 18, 2015 and deny the remainder of any allegations in this request for admission.

6. On August 18, 2015, you used force against an inmate named Mattieu Burks.
Response: Deny.

Dated: Albany, New York
August 3, 2017

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
Attorney for Defendants Chad Stickney, Darwin
Nolan, Donald Smith, Jr., Edward Pepper, John
Cross, Steven Racette, and Michael Kirkpatrick
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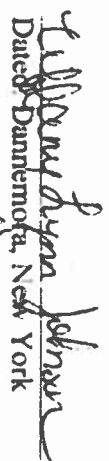
VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF CLINTON

I, Donald Smith, Jr., being duly sworn, say that I am a Defendant in the within action, that I have read the foregoing responses to Plaintiff's Requests for Admission FRCP 36, and that the same are true to my own knowledge.


DONALD SMITH, JR.

Sworn to before me this
3rd day of August, 2017.


Dated Danemora, New York
August 5th, 2017

Tiffany Lynn Johnson
Notary Public, State of New York
No. 01J06352505
Qualified in Clinton County
Commission Expires 12/31/2020

TO: Leo Glickman, Esq.
Stoll, Glickman & Bellina LLP
Attorney for Plaintiff
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